

**Board of Selectmen's Minutes**  
**February 8, 2007**  
**Harpswell Town Office**  
*Approved February 15, 2007*

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**Selectmen Present:** Amy R. Haible, J. Katherine Chatterjee and Chairman Samuel W. Alexander

**Staff Present:** Kristi K. Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; William Wells, Code Enforcement Officer; Jim Gordon, Recycling Center Manager; Jim Hays, Harbormaster and Marguerite Kelly, Treasurer

**Call to Order and Pledge of Allegiance:** The meeting was called to order by Chairman Alexander at 6:30 p.m. with the Pledge of Allegiance. The meeting was videotaped and broadcast live on Harpswell Community Television.

**1. Adoption of the Agenda:** Selectman Haible moved, seconded by Selectman Chatterjee to amend the agenda by removing item 10; motion passed 3-0.

**2. Town Administrator's Report:** Administrator Eiane reminded the public that the Town has five unknown owner parcels up for sale with a February 22 deadline for bid submission. Anyone interested must submit at least the minimum bid and use the proper forms supplied by the Town. More information is available at the Town Office or on the Town's website. Administrator Eiane reported that the 2006 audit statements were received today. The process had gone smoothly due to the Town's professional staff and experienced Treasurer.

**3. Selectmen's Announcements:** There were no announcements.

**4. Old Business:** There was no old business discussed.

**5. Treasurer's Report:** Marguerite Kelly, Town Treasurer, reviewed her monthly report for January (attached). Ms. Kelly stated the Town has received one bid so far for one of the five unknown owner parcels. More bids are anticipated.

**6. Re-consideration of Wharf Application for William & Joyce Kelley, Map 38, Lot 8, 15 Sea Spot Run, Denied at December 28, 2006 Meeting:** Joe Leblanc, representative for the Kelleys, reviewed updated photographs of the site. Mr. Leblanc explained ledge outcroppings created the necessity of the length of the fixed pier and ramp to place the float safely beyond the ledge. Selectman Chatterjee moved, seconded by Selectman Haible to approve the application as presented; motion passed 3-0.

**7. Solid Waste Committee Report, Mission Statement and Proposed Solid Waste Ordinance**

**Amendments:** Jay Dwyer, Chair of the Solid Waste Committee, reviewed the Committee's mission statement and the proposed ordinance revisions. There was a discussion regarding the proposed changes and suggestions from the Board for further revisions. The Board agreed to have Administrator Eiane review the suggestions with Jim Gordon, Recycling Center Manager, and prepare a revised ordinance for review. Mr. Dwyer explained the Committee's pay-per-bay analysis and stated the Committee does not recommend implementation at this time. Selectman Chatterjee moved, seconded by Selectman Haible to approve the Solid Waste Committee mission statement with the liaison to be Jim Gordon; motion passed 3-0. Selectman Haible stated she would remain involved with the Committee. Mr. Dwyer acknowledged the good work of Manager Jim Gordon.

**8. Request by Harpswell Festival Committee to Name the Garden at Mitchell Field:** Robert Mcaleer, Festival Co-Chair and Vice President, reported that the Committee, in association with the Harpswell Garden Club, received a grant from the Alfred Senter Foundation for a garden at Mitchell Field. Mr. Mcaleer explained Mr. Senter was a long-time resident of Harpswell and the Committee would like to name the garden after him.

The Committee is considering placing a plaque on a large rock in the garden. Chairman Alexander moved to name the garden. Selectman Chatterjee expressed concerns about this piecemeal approach to Mitchell Field. Selectman Haible moved to place the Committee's request on the warrant. Chairman Alexander stated, in his opinion, placing a dedication plaque in the garden does not require Town Meeting approval. Chairman Alexander moved, seconded by Selectman Chatterjee to table the request to the next meeting; motion passed 2-1 (Selectman Haible opposed). The Board requested a legal opinion to review Tuesday morning.

**9. Harpswell Community Broadcasting Corporation Request:** David I. Chipman stated the Board of Directors for Harpswell Community Broadcasting Corporation (HCBC) believes the Town needs to make clear at Town Meeting that the Town owns the TV building. The Board agreed ownership was made clear in the article 39 of the 1996 Town Meeting warrant. Selectman Chatterjee stated ownership is clearly stated in the current agreement between HCBC and the Town, and although the agreement expires this year, ownership by the Town continues. Mr. Chipman stated, in his opinion, the ownership issue is not clear to the public and should be referred to the Town attorney for review. Mr. Chipman noted that the issue needs to be made clear prior to HCBC renewing the contract with the Town. Selectman Chatterjee moved, seconded by Chairman Alexander to refer the issue to the Town attorney for review; motion passed 3-0.

**10. Consider Approval of the Open Space RFP:** Administrator Eiane explained the Town received a \$10,000 grant from the William Wharton Trust for the development of an Open Space Plan to protect identified areas. This RFP is for selecting a consultant to work with the Conservation Commission and Town Planner to develop the plan. Administrator Eiane recommended approval of the RFP. Chairman Alexander moved, seconded by Selectman Haible to accept the RFP; motion passed 3-0.

**11. Set Public Hearing Date for Secret Ballot Items:** Administrator Eiane explained there is a statutory requirement to set a public hearing for the secret ballot items [(1)-termination of school withdrawal process, (2)-Curtis Memorial Library]. Selectman Haible moved, seconded by Selectman Chatterjee to set Monday, February 26, 7:00 p.m. at Harpswell Islands School as the public hearing; motion passed 3-0.

**12. Consider Starting Time of Annual Town Meeting On March 10:** Chairman Alexander moved, seconded by Selectman Haible to set the starting time of the business meeting at 10:00 a.m. with polls opening at 9:00 a.m.; motion passed 3-0. Selectman Haible explained this will be a long Town Meeting and may need to be continued to Sunday at 12:00 noon. Selectman Chatterjee requested a legal opinion to determine her status if the meeting continued into day two.

**13. Consider Land Use Ordinance Items for Town Meeting**

- **Building Codes:** William Wells, Code Enforcement Officer, explained the three proposed building codes: (1) IBC – International Building Code regulates new commercial structures; (2) IRC – International Residential Code regulates new residential structures; (3) EBC – Existing Building Code regulates additions/renovations to existing buildings. Mr. Wells stated the intent of the codes is to protect homeowners and this will require all builders meet codes for new construction. Chairman Alexander moved, seconded by Selectman Haible to place all three codes on the warrant; motion passed 3-0.
- **Tower Ordinance:** Administrator Eiane stated she spoke with Paul Strout, Tower Specialist, and requested in writing the justification for increasing the tower height. David Chipman stated height is everything for communication and recommended a height of 290 feet and to add shielding on the light. Andy Paulhus stated the cell tower workgroup is meeting tomorrow to further investigate the need to increase the height. Chairman Alexander moved, seconded by Selectman Chatterjee to table this item to the next meeting; motion passed 3-0. The Board noted they will review the workgroups research Tuesday morning.

#### 14. Other Warrant Considerations Including

- **Shellfish Ordinance Amendments:** Chairman Alexander moved, seconded by Selectman Haible to place the Shellfish Ordinance on the warrant. Selectman Chatterjee questioned if the proposed changes do all that the Committee wants. Administrator Eiane explained at the last Selectmen's meeting, the Board heard from the Marine Resource Committee that the addition of a student license provision was recommended. Administrator Eiane explained staff worked with former Selectman Jim Knight to obtain the Committee's proposed amendments from last year for the Town attorney to review and that is what is before the Board tonight. Wayne Ricker spoke against the addition of student licenses until such time that certain area closures could be investigated and reopened. Mr. Ricker commented that the existing conservation program is not followed properly at times. Jim Knight explained that the proposed changes were the work of the Committee from a year ago. The changes incorporate the student license program which will not affect the number of adult licenses issued according to Don Card, State Marine Biologist. Selectman Chatterjee questioned if the Committee members are in favor of the student license program. Mr. Knight responded the Committee from a year ago was in favor. Mr. Knight explained how the clam surveys help determine how many commercial licenses can be issued in a year and that the student licenses would not be included in this calculation. Selectman Chatterjee questioned why Section 201 requires terms for 3 members at 3 years, 3 members at 2 years and 1 member at 1 year instead of 3 at 3 years, 2 at 2 years and 2 at 1 year. Jim Knight responded the terms could be changed without causing problems. Mr. Knight noted section 201 is proposed to require 4 members to be commercial harvesters. Selectman Chatterjee proposed changing the terms in section 201, to remove the fees from the ordinance and to add the word "do" to sections 301.6 and 301.7. Selectman Chatterjee moved, seconded by Chairman Alexander to place the Shellfish Ordinance with the suggested changes on the warrant; motion passed 3-0.
- **Harbor and Waterfront Amendments:** Jim Hays, Harbormaster, stated the changes the Board suggested in January are incorporated in the version being reviewed by the Town Attorney. The Board questioned rental moorings and riparian owners to which Mr. Hays stated the attorney is reviewing both issues. Selectman Chatterjee moved, seconded by Chairman Alexander to table the Harbor and Waterfront Ordinance until next meeting to allow the completion of attorney review; motion passed 3-0.
- **Emergency Management Ordinance:** Administrator Eiane explained every town is required to have an Emergency Management Ordinance. Administrator Eiane stated the attorney has reviewed the proposed Ordinance and recommended revisions. Selectman Chatterjee stated the Emergency Management Agent (EMA) should be referred to as Agent only and not also as the Director. There was a discussion regarding who should be second in line for contact and it was decided to have the EMA consult with the Town Administrator when possible. Selectman Chatterjee moved, seconded by Chairman Alexander to table the Emergency Management Ordinance until the next meeting; motion passed 3-0.
- **Solid Waste Ordinance Amendments:** Selectman Chatterjee moved, seconded by Chairman Alexander to add the Solid Waste Ordinance to the public hearing scheduled on February 15 at 7:00 p.m.
- **Military Redevelopment Zone:** Chairman Alexander moved, seconded by Selectman Chatterjee to reschedule the public hearing for this item to February 26 at 7:00 p.m. at Harpswell Islands School; motion passed 3-0.
- **Other Articles for Consideration:** Chairman Alexander moved, seconded by Selectman Chatterjee to address item 15 first and then return to this item; motion passed 3-0. Selectman Chatterjee stated she interpreted from the public hearing concerning the school withdrawal matters that the public does not want an article on the warrant regarding withdrawal except for the petition article. Selectman Haible and Chairman Alexander agreed. Selectman Chatterjee moved, seconded by Chairman Alexander to not place a SAD article on the warrant regarding withdrawal except the petition article; motion passed 3-0.

The Board voted on draft warrant articles for placement on the warrant; article numbers will likely change with the final warrant. Selectman Haible moved, seconded by Chairman Alexander to place article 36 on the warrant; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to place article 39 on the warrant; motion passed 3-0. Selectman Haible moved, seconded by Selectman Chatterjee to place article 40 on the warrant. Selectman Haible amended her motion, seconded by Chairman Alexander to include article 40 and 41; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to place articles 43 and 44 on the warrant. Selectman Chatterjee made suggestions for additional wording to give the public more clarity on articles 42, 43, 44 and 45. Selectman Chatterjee stated that if the Town purchases the brush truck, the Town needs to take ownership. Selectman Haible withdrew her previous motion. Selectman Haible moved, seconded by Selectman Chatterjee to table articles 43 and 44 to allow revisions; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Chatterjee to place article 47 on the warrant; motion passed 3-0. Selectman Haible moved, seconded by Selectman Chatterjee to amend article 52 to reflect \$6,000 and place the article on the warrant; motion passed 2-1 (Chairman Alexander opposed). Selectman Chatterjee moved to place article 53 on the warrant at a 10% rate of interest; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Chatterjee to place article 54 on the warrant; motion passed 3-0. Selectman Chatterjee moved, seconded Chairman Alexander to place article 55 on the warrant at a 6% rate of interest; motion passed 3-0. Selectman Haible moved, seconded by Chairman Alexander to place article 56 on the warrant; motion passed 3-0. Selectman Haible moved, seconded by Selectman Chatterjee to place article 57 on the warrant; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Chatterjee to place article 58 on the warrant; motion passed 3-0. Selectman Haible moved, seconded by Selectman Chatterjee to place article 59 on the warrant; motion passed 3-0. Administrator Eiane requested the Board wait to review articles 60 and 61 as the budget may be able to stay under LD1. Selectman Chatterjee moved, seconded by Selectman Haible to amend the membership budget amount on the warrant from \$15,493 to \$15,596; motion passed 3-0.

**15. Consider Policy for the Limited Use of Sand/Salt by Residents:** Chairman Alexander read the proposed policy to relocate the sand/salt pile to the Transfer Station and limit residents to two 5-gallon buckets per storm. Jim Knight requested the Board not adopt the policy as he uses it for icy spots at his residence. Bob Waddle stated he uses the pile for his apartment buildings and other rentals and wants the Town to keep the pile available to the public as taxpayers. Wayne Ricker stated he has elderly people living on his private road for which he sands the road. Greg King stated, in his opinion, the policy will fail if adopted as it did a few years ago when suggested. Mr. King explained the last time a policy was implemented, the employees at the Transfer Station were treated unfairly and the public complained to the Town Office and ultimately was allowed to remove their desired amounts. Donna Frisolli asked the Board to reconsider the issue. Mark Wallace reported that the lock on the gate was broken last week to allow someone to drive up to the pile and fill their truck. Mr. Wallace acknowledged there is a problem with taxpayers paying for huge amounts of sand to be used by a certain numbers of individuals. Selectman Chatterjee moved, seconded by Chairman Alexander to table this policy indefinitely; motion passed 3-0. There were suggestions from members of the audience on how to correct the situation including charging a fee for the sand, placing cameras to monitor the use, prohibit trucks with sanders from removing sand and imposing penalties for excessive use. Administrator Eiane stated the Town is not in business to compete with local companies that sell sand. Ms. Eiane explained it is not good practice to allow public funds to be used for sanding drives and private roads.

**16. Request by John Hodge Re: Brunswick Housing Authority:** Deleted.

**17. Authorization of the Warrant:** Kristi Eiane, Town Administrator recommended approval of Warrant 7 and Payroll Warrant 7. Selectman Haible moved, seconded by Selectman Chatterjee to approve Warrant 7 in

the amount of \$728,230.96; motion passed 3-0. Chairman Alexander moved, seconded by Selectman Haible to approve Payroll Warrant 7 in the amount of \$13,144.22; motion passed 3-0.

**18. Approval of the Minutes:** The Board made changes to the minutes. Chairman Alexander moved, seconded by Selectman Chatterjee to approve the February 1, 2007 minutes as amended; motion passed 3-0.

**19. Public Comment:** There were no public comments.

**20. Adjournment:** Selectman Chatterjee moved, seconded by Chairman Alexander to adjourn. The meeting was adjourned by unanimous vote at 9:45 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer's Report  
Draft Warrant Articles